

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Tuesday
October 13th, 2020**

Zoom – Virtual Public Meeting

VIRTUAL COUNCIL MEMBERS PRESENT:

Edward Kisselback, Council President
Joseph Pilieri, Council Vice President
Joseph Knowles, Council Secretary
Jesse Sloane, Council Member
Ed Tokmajian, Council Member

OTHER VIRTUAL PRESENCE BY:

Mayor Joseph DiGirolamo
Russell Benner, Township Engineer
Debora McBreen, Council Clerk/Recording Secretary
Quinton Nearon, Principal Inspector
Joseph Pizzo, Township Solicitor

PLEASE NOTE:

Due to the COVID-19 pandemic and all of the orders and declarations from the Federal, State, and County governments, the Bensalem Township Council held its' regular monthly meeting as a virtual public meeting utilizing the Zoom Meetings platform.

PLEASE NOTE:

The minutes are not verbatim but rather a synopsis of what transpired during the meeting, and while I do my best to attribute remarks and questions to the correct individual, there may be mistakes or omissions because of the “back and forth” dialogue and the lack of the use of the microphone

1. PLEDGE OF ALLEGIANCE:

Council President Kisselback opened the meeting with a moment of silence or prayer which was followed by the Pledge of Allegiance.

2. **PUBLIC COMMENT:**

publiccomments@bensalempa.gov

Council President Kisselback asked Solicitor Pizzo if there were any additions to this evening's agenda. **Solicitor Pizzo** asked if Council could amend the agenda, to add under item number 9, "Other Business", there is a proposed Resolution authorizing the transfer of funds from the Townships Trust Fund to the Townships Capital Improvements Fund and also authorizing an amendment to the Township 2020 Budget. **Council Member Tokmajian** motioned to amend the agenda, seconded by **Council Vice President Pilieri** and the motion carried 5-0.

3. **APPROVAL OF COUNCIL MINUTES:**

After corrections were noted to the Minutes of September 29th, 2020, **Council Member Sloane** motioned to approve the minutes, **Council Secretary Knowles** seconded and the motion carried 5-0.

4. **CONSIDERATION OF A FINAL LAND DEVELOPMENT:**

Applicant:	Lennar MPA, LLC
Location:	State Road – Waterside Phase III
Proposed Use:	Residential
Zoning Classification:	MXD – Mixed Use
Tax Parcel:	2-65-22, 2-64-138 & 2-64-13

Solicitor Pizzo admitted the following people in for the applicant, Lennar MPA, LLC:

Greg Adelman, Esquire	Daniel Stewart, Lennar MPS, LLC
Anand Bhatt, ARNA Engineering	Tench Tilghman, Division President, Lennar
Edward Rudolph, Esquire, Rudolph Clarke & Associates	

Solicitor Adelman indicated he represents the applicant, Lennar, which is an amended Phase III approval for Waterside which is the last phase of the project. Lennar is proposing 165 Townhome units. The amendment is the change in size and type of units. The prior approval had 5-unit buildings and have been replaced with stacked units. Everything else on the plan remains unchanged. The overall proposed unit count for Waterside, which was approved at 605 units, is now going to be 598 units.

Council Vice President Pilieri asked how many units were in the stacked units. Mr. Stewart indicated it was 2 units per stacked building and they were counting the units separately which still leaves the total to be 598 units.

Council Secretary Knowles wanted to clarify the T and M letter dated September 23rd, 2020, under Section B - Discussions stated, approved on March 22nd, 2010, total units 461 and if that was the end of Phase III and it had the Multifamily Residential Units at 65 which is being taken to 0 and then they are taking the Family/Townhouse Residential up to 165 from 94. Is it because the condo building is not in there or is it because the change in the units, and what is a

Multifamily Residential Unit compared to a Family/Townhouse Residential Unit. Solicitor Adelman indicated the numbers Council Secretary Knowles was reading did not include the 144 Multifamily units that are going to be built by Mignatti. Council Secretary Knowles asked if this would be a different Phase than the one that is before council this evening. Solicitor Adelman stated, that is correct.

Engineer Bhatt explained the difference between a Multifamily Residential Unit compared to a Family/Townhouse Residential Unit which would be going from condo/apartments to townhouses. Council Secretary Knowles wanted to clarify the change as being a better type of unit.

Council Vice President Pilieri stated they were taking out the 65 units that Mignatti now owes, and asked if it was in the housing count in the beginning. Solicitor Adelman stated they were not, they were future units. There still is the 144 that Mignatti owes that has to be constructed. Council Vice President Pilieri asked if the amount comes out to more and Solicitor Adelman stated it is 450 Family/Townhouse Residential Units plus the 4 that were already there which were Multifamily Residential Units from Phase I, then the 144 from Mignatti which totals 598.

Council Member Tokmajian asked how far was Phase II. Mr. Stewart indicated the building construction is at 45% for the build-out of Phase II. Council Member Tokmajian asked if they were seeing similar water issues as there were with Phase I. Mr. Stewart indicated with the corrections and follow-up with the residents there have been no water issues. Council Member Tokmajian indicated, looking at Phase II, it looks like there is a quadrangle space around Park Place and asked if it was going to be some type of public space area. Mr. Stewart replied yes. Council Member Tokmajian asked if it will be completed prior to starting Phase III. Mr. Stewart stated there will be homes constructed up against that area and in order to complete it, they will need to do it at the same time or in conjunction with the building of the homes so as not to cause any damages. Council Member Tokmajian asked about the promenade. Mr. Stewart indicated they have a walking trail in place and it is also with the amenities of the playground area as well. When they have finished and finalized the Phase II portion, they will finalize the last piece that is closest to Phase III.

Council Member Tokmajian asked the Township Engineer, Mr. Benner in regards to the comments in the September 23rd letter about the grading and water run-off, have those items been addressed. Mr. Benner indicated the one issue that the Township wanted to clarify with Lennar is there is a piping system in State Road that was part of a widening project and it drops down into the Mignatti piece and makes a connection into an existing pipe. The Township wants to make sure the pipe which goes from where Lennar's widening stormwater system connects down to the canal is operative.

Council Vice President Pilieri stated he believed the promenade was to extend the whole length of the development. Township Engineer Benner indicated the Township is making sure everything is done in accordance with the plans. Council Vice President Pilieri asked Mr. Benner if there were any complaints. Township Engineer, Mr. Benner indicated he had not received any complaints lately and Mr. Nearon, Township Principal Inspector, indicated he had not received any complaints.

Council President Kisselback discussed the September 23rd letter from the Township Engineer, Mr. Benner.

Council Member Tokmajian motioned to approve the amended final land development for TMP 2-65-22, 2-64-138 and 2-64-13 to be considered Waterside Phase III with the requirement the Township Engineer, Mr. Benner, noted. Solicitor Pizzo indicated it is Council Member Tokmajian's intention the applicant, with all of the comments set forth in the Township Engineer's memorandum of September 23rd, 2020, and the mention of the stormwater pipe in State Road there are a few other comments, chief among them regarding the East Coast Greenway Trail to be a will comply. The motion is also to reflect any conditions of any prior approvals or any prior agreements with the Township regarding the Waterside Project that are not specifically superseded by this evening's approval, remain in full force and effect. **Council Member Sloane** seconded, and the motion carried 5-0.

Solicitor Pizzo indicated there were no Public Comments received by either mail or email regarding this application and Mr. Adelman previously provided copies of the proof of notices to the adjacent property owners and they appeared to be in order allowing to proceed with this evenings hearing.

5. **CONSIDERATION OF A MINOR SUBDIVISION:**

Applicant:	Manish Shah
Location:	2866 Wine Avenue
Proposed Use:	Single Family Detached Residential
Zoning Classification:	R-2 Residential
Tax Parcel:	2-39-86

Solicitor Pizzo indicated the Township Clerk received a message from the applicant's engineer indicating based on his discussions with the Township Engineer, Mr. Benner, the applicant is going to revise and resubmit the plans and asked if council would approve a tabling of the application to the Council meeting date of November 9th, 2020. The engineer's email indicates the Township Engineer, Mr. Benner, believes the applicant can have the revisions reviewed in time to make that meeting date.

Solicitor Pizzo indicated, even though Council is not proceeding with this applicant this evening, Public Comments were received from the neighboring property owners and they are as follows:

Chris Estel, 2317 McKinley Avenue, who is a direct neighbor of the property and is against building a house so close to their fence and the property is a mess and not taken care of since they bought it and should not be allowed to build so close to the property line.

Council Member Tokmajian motioned to approve the tabling of this applicant until a date certain of November 9th, 2020, Council Secretary Knowles seconded and the motion carried 5-0.

6. **REQUEST FOR A WAIVER OF CURBS AND SIDEWALK:**

Applicant: Judith Todd
Site Information: 2549 Linconia Avenue
Tax Parcel: 2-7-77

Township Engineer, Mr. Benner, indicated there are no curbs or sidewalks in the area and this is in conjunction with a new single-family house at this location and there are no curbs and sidewalks. It is recommended Council consider a fee in lieu of.

Council Member Sloane motioned to approve as presented, seconded by Council Member Tokmajian and the motion carried 5-0.

7. **CONSIDERATION OF AN ESCROW RELEASE:**

Developers Request: Ivy State Road LLC – Release #2
Location: 3750 State Road
Tax Parcel: 2-79-9-4, 2-79-9-52-79-9-6, 2-79-10, 2-80-28
Amount: \$ 369,188.00

Township Engineer, Mr. Benner, indicated this is essentially the property Amazon will be developing. This is the last escrow release from the current property owner. All of the work has been completed. Quinton Nearon, Township Principal Inspector along with a crew of inspectors, inspected the property and the final punch list items were addressed and the Township is recommending the final escrow amount be released.

Council President Kisselback asked the Township Principal Inspector, Mr. Nearon, if the pie shape property in the back been resolved. Mr. Nearon indicated that area will be done in Phase III. Mr. Benner indicated the Township reached out to Amazon since that is part of their Phase III development and they agreed to take care of that area.

Council Member Sloane asked Mr. Benner if that was part of the site grading that is noted. Mr. Nearon indicated that is all part of a lot of miscellaneous work they had to do for grading work that was done. The biggest thing was the pie shape in the back wasn't completed and the reason for that was it was outside their LOD for their MPDF permit and that is being adjusted for Amazon so they can get in there and regrade and make that like everyone wanted. Council Member Sloane asked if there were any concerns with neighboring property owners with some of the work. Mr. Nearon indicated the gentleman on the southern side had issues with drainage which was cleaned up and regraded. The only areas where there is drainage issues is the infiltration basins which was months ago and that was already addressed.

Council Vice President Pilieri asked Solicitor Pizzo if there was an escrow for the turning lanes and traffic area, who is responsible for that and is the Township holding an escrow in case they do not do that work. Solicitor Pizzo indicated Council Vice President Pilieri's recollection is correct and was discussed at some length during the Land Development hearing for Amazon. At this juncture, the remaining items of the Land Development under Ivy, chief among them the pie shaped area that was discussed, have all been assigned to and assumed by Amazon. Amazon has agreed to take care of those remaining pieces of the Ivy Land Development approval and Amazon has under its Land Development approval with the Township and it will

be part of the Land Development agreements when they make their way to Council, the requirement those monies, which is 2.5 million dollars, and will be held in escrow by the Township to handle off of the off-site roadway improvements until PennDOT approves them and Amazon builds them. What is being released is the original Ivy Land Development that essentially provided for the construction of the building. The remaining pieces of that are being released and any pieces that were not completed are now going to be a part of the land development for Amazon.

Council Member Tokmajian asked if this would be a Letter of Credit. Solicitor Pizzo indicated they would not be posting cash in that amount, so it would be expected to be a Letter of Credit when it comes through. Council Member Tokmajian asked if the Township holds onto the Letter of Credit from Ivy until the Letter of Credit is received from Amazon. Solicitor Pizzo indicated at this juncture no, what was received from Amazon and Ivy is the written agreement that Ivy is now on the hook for anything and everything else that as part of their land development.

Council Vice President Pilieri indicated if Amazon walks away the Township is stuck. The Mayor indicated the roadway is being redone because of Amazon. Ivy was out if it at this point and their road is done as far as Ivy is concerned, but with Amazon coming in with the additional traffic and such, they have to come up with the additional money which is 2,5 million dollars. Council Vice President Pilieri indicated the agreement with Ivy was they were going to put a turning lane in, then asked if this has been done. The Mayor indicated the turning lane was completed.

Council Member Tokmajian asked if the Letter of Credit had been received. Solicitor Pizzo indicated he did not know if it was received by the Township or not.

Council Secretary Knowles indicated it was Amazon's responsibility to do the roadwork under their agreement that Council already approved. Solicitor Pizzo stated if Amazon does not post the money they are not going to occupy the building. The Mayor indicated Amazon has already received their permits and are fitting the building with millions of dollars inside. They will not be allowed to occupy the building until everything is done and the escrow is up and everything is in place. They will not get the U and O to occupy the building.

Council Member Tokmajian indicated there was unfinished drainage at the rear of an abutting property on the southside and asked Mr. Nearon for an update. Mr. Nearon indicated that was corrected before COVID.

Council Secretary Knowles motioned to approve the escrow release for Ivy State Road property on the advice of the Township engineers that the work has been done as documented and audited by the Township Finance department. **Council Vice President Pilieri** seconded and the motion carried 5-0.

8. **PUBLIC COMMENT:**

Council President Kisselback asked **Solicitor Pizzo** if there were any Public Comment Emails that needed to be addressed.

Solicitor Pizzo indicated the following Public Comments were submitted. These comments can be heard in their entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Below are the correspondents and a short synopsis of their email:

Joseph Connelly, 568 Bristol Pike, Pat 1 – when is the dirt pile going to be removed. Part 2 – he received a fine for erecting a retaining wall without a permit. Part 3 – when a property receives a tax parcel number the property has been professionally surveyed. Part 4 – can't list his property for sale.

Solicitor Pizzo indicated he could only let the Township know that Mr. Connelly and the neighbor to whom he refers to in his email, are both in court with the Township in regards to a variety of citations. Some of the issues for which the neighboring property owner was cited, Solicitor Pizzo has been advised by the Township Engineer have been complied with and those that have not been complied with the Township continues to move forward with prosecution. Similarly, with Mr. Connelly, those items for which he has been cited, that have not yet been resolved, the Township is moving forward with the litigation. Solicitor Pizzo stated that consistent with the direction from everyone in Township government, is to move forward and everything that is not in compliance, cite, get compliance, and that is the process the Township finds itself in at the moment. Insofar as Mr. Connelly's citations are concerned the Township and attorneys from Rudolph, Clarke and Associates were in court in Doylestown on Friday, October 9th. The hearing wasn't completed and continued by the Judge and the Township is in the middle of that litigation. Inasmuch as the Township has both property owners in court at this point, to the extent that Council would like to discuss it, it does not behoove the Townships position in terms of ongoing litigation to discuss it in this forum. If Council would like to adjourn to an Executive Session, it can certainly be discussed in greater detail.

Council Member Sloane asked when was the continued date. Solicitor Pizzo indicated there was not one given at the time. The Township and Mr. Connelly are waiting to receive the continuance date from the Court Administrator.

Council Vice President Pilieri indicated Council should talk about this in an Executive Session.

Council President Kisselback indicated they could continue their conversation after the meeting regarding this issue.

Crista Watson, 4955 Ridge Avenue, indicated there was a Halloween event at the Neshaminy Mall on Sunday, October 11th. The police dispatcher stated they had received numerous calls and the police were going to shut it down. Why would the Township allow this event to go on in violation of time and noise level?

Solicitor Pizzo forwarded Ms. Watsons email on to the Public Safety Director, Fred Harran, who will address this individual personally.

Council Member Tokmajian indicated he received a number of complaints regarding the event that was held at the Neshaminy Mall on Sunday October 4th.

9. **OTHER BUSINESS AMENDED TO READ: RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE BENSLEM TOWNSHIP TRUST FUND TO THE BENSLEM TOWNSHIP CAPITAL IMPROVEMENTS FUND AND AUTHORIZING THE AMENDMENT OF THE BENSLEM TOWNSHIP 2020 BUDGET:**

Solicitor Pizzo indicated Council met in an Executive Session on Tuesday, October 6th at the Township building. Present for the Executive Session were the 5 members of Council, the Mayor, the Director of Administration, the Finance Manager and himself. The matter discussed was the pending condemnation of the Trifecta Sports Club property in Trevoese. As Council and the public will recall, earlier this month at the Council meeting of August 26th, the Township adopted a Resolution number 2020-13 which authorized the condemnation of the property located at 4668 East Bristol Road which is identified and commonly known as the Trifecta Sporting Club, previously the German Hungarian Club. Consistent with that authorization of Administration to proceed with the condemnation of the property the Administration has been in contact with the property owner and others holding property interest in the Township and the Township has also had the property appraised, as have the property owners. All of that has led the Township to determine that between the cost of acquiring the property and the cost of improvements that will need to be made to the building and to the fields and to the parking lot, the Township is likely looking at an investment of 3.5 to 5 million dollars. In order to move forward with the condemnation and payment to the property owners of the money due them, and to begin with the work that will need to be done on the property the Township Administration is recommending to the Township Council, and did recommend during the Executive Session, rather than going out into the market and borrowing money at a commercial lending rates that the Township transfer money out of the Township Trust Fund to the Township as a loan to itself in an amount not to exceed 5 million dollars. To the extent the Township transfers money out of the Trust Fund and into the Township Capital Improvements Fund the Township would then begin charging itself and charging interest back to the Trust Fund and the Township would be paying the money back to the Trust Fund over a period of 20 years at an interest rate of 1.18 percent.

Council Member Sloane asked for some of the capital improvements that were discussed be put on the record. Improvements of the parking area, the lighting repair or possible replacement of the roof.

Council Secretary Knowles wanted to include funds to be available to put lights at the Richlieu Park Facility in the ballfield area for girl's softball.

Solicitor Pizzo stated that anticipated in the transfer of funds out of the Township Trust Fund and into the Capital Improvement Fund would also be along with the recreational and open space improvements for Trifecta would also be funds for providing lighting to the ballfield at Richlieu and Galloway Roads and any other improvements that would be necessitated by the installation of those lights. As Council Secretary Knowles indicated, the hope and the intent here is that there is no lighted fields here in the Township that are available for girls softball and the township wanted to rectify that situation.

The Mayor indicated Council will be advised of the items as they will come up and there will be several as the improvements get underway.

Council Member Tokmajian motioned to approve the Resolution as drafted, Council Secretary Knowles seconded, and the motion carried 5-0.

OTHER BUSINESS CONTINUED:

Council Member Sloane noted we are in the seventh month of the Pandemic and is hoping everyone is staying safe and healthy and wished everyone well.

Council Member Tokmajian hoped everyone is staying well and safe.

Council Vice President Pilieri echoed everyone's sentiments and wished everyone well and to be safe during Halloween.

Council Secretary Knowles was hoping everyone is being safe and well and it is a great thing that the Township is going to provide additional recreation to the community. And try to, over time, provide other activities, besides the soccer, to the property and for the community to enjoy more open space in our Township.

The Mayor indicated one of the things that was not mentioned regarding the soccer fields was also a playground and walking paths that will hopefully be in the near future. Thanked Council for all of the work they did regarding the condemnation and working together. It is a great amenity for Bensalem Township in the Trevoise area. The Mayor indicated his theme has always been "TEAMS WIN" and what a great win for Bensalem!

10. ADJOURNMENT:

There being no other business to discuss, the meeting was adjourned.

The Bensalem Township Council Meeting of October 13th, 2020 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully Submitted,

**Debora F. McBreen
Recording Secretary**